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December 15, 2004

VIA HAND DELIEVERY AND FIRST-CLASS MAIL SERVICE

Mr. Charles L.A. Terreni
Chief Clerk/Administrator
South Carolina Public Service Commission
101 Executive Center Dr., Suite 100
Columbia, SC 29210

**Re: Petition to Establish Generic Docket to Consider Amendments To
Interconnection Agreements Resulting from Changes of Law
Docket No. 2004-316-C**

Dear Mr. Terreni:

Enclosed for filing please find the petition to intervene and the motion to hold generic proceeding in abeyance, of the Office of Regulatory Staff ("ORS") in the above referenced docket.

By copy of this letter we are serving the same on all counsel of record. Please stamp the extra copies provided as proof of filing and return them with our courier. Should you need any additional information, please contact me.

Sincerely,

Florence P. Belser

cc: all parties of record

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2004-316-C

In Re:

Petition to Establish Generic Docket to)
Consider Amendments to Interconnection)
Agreements Resulting From Changes of Law)

PETITION TO INTERVENE

Pursuant to 26 S.C. Code Ann. Regs. 103-836 (1976) and Rule 24, SCRCPP, the Office of Regulatory Staff ("ORS"), hereby timely petitions the Public Service Commission of South Carolina ("Commission") to intervene in the above-captioned matter. In support of said Petition, ORS would show the following:

1. ORS is a South Carolina agency that exists pursuant to S.C. Code Ann. §58-4-10(A) of the 1976 Code, as contained in §6 of Act 175 of 2004.

2. Beginning January 1, 2005, ORS will be charged with representing the public interest of South Carolina in public utility matters before the Commission. 2004 S.C. Laws Act 175 (S.B. 208) § 58-4-10(B) (to become effective January 1, 2005).

3. A Petition was filed by BellSouth Telecommunications, Inc. ("BellSouth") on November 3, 2004 requesting the Commission to institute a generic proceeding to determine what changes are required to existing approved interconnection agreements between BellSouth and competitive local exchange carriers ("CLECs") in South Carolina due to recent decisions from the Federal Communications Commission ("FCC") and the United States Court of Appeals for the District of Columbia Circuit.

4. On December 3, 2004, the Commission issued a Notice of Filing and Hearing which established a return date for intervention in this docket.

5. The Office of Regulatory Staff has an interest in the said matter pursuant to its responsibility to represent the public interest. The public interest is defined as a balance of “(1) concerns of the using and consuming public with respect to public utility services, regardless of the class of customer; (2) economic development and job attraction in South Carolina; and (3) preservation of the financial integrity of the state’s public utilities and continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility services.” 2004 S.C. Laws Act 175 (S.B. 208) § 58-4-10(B) (to become effective January 1, 2005).

6. Clearly there is a public interest present in the matter referenced herein. Telecommunications rates and services of South Carolina consumers could be affected by the outcome of this generic proceeding. Additionally, the future contractual relationship between CLECs and BellSouth concerning how South Carolina consumers will be served is contingent upon the proceeding. Finally, the continuing existence of a portion of South Carolina’s CLECs could be determined by the outcome of the proceeding.

7. Pursuant to 2004 SC Act 175, ORS will become a party of record to proceedings before the Commission on January 1, 2005. However, ORS should be allowed to intervene in this proceeding prior to said date so that ORS will be afforded the opportunity to participate in all filings and pre-hearing matters prior to January 1, 2005. The ability of ORS to protect the public interest will be impeded if ORS is not allowed to participate as a party of record prior to January 1, 2005.

8. ORS's interest, the public interest, will not be adequately represented by any of the existing parties.

9. ORS has not yet developed its position in this docket and cannot develop its position until the FCC issues its Final Unbundled Network Elements Rules. Upon information and belief, ORS believes that the FCC will issue an order on the Final Rules by the end of January, 2005, or February, 2005.

10. By granting the request of ORS to become a party of record in the above-captioned proceeding, the Commission will be in a better position to develop a more complete record as ORS will present information and evidence that considers the public interest.

WHEREFORE, ORS requests the following relief:

- A. That the Commission grant this Petition to Intervene.
- B. That ORS be made a formal party of record to the referenced proceeding prior to January 1, 2005.
- C. That ORS be permitted to fully participate in the proceeding.
- D. That any further just and proper relief be granted.

OFFICE OF REGULATORY STAFF

By: 

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Columbia, South Carolina
December 15th, 2004

BEFORE
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DOCKET NO. 2004-316-C

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CERTIFICATE OF SERVICE

The undersigned, Rena N. Grant, hereby certifies that she is employed by the Legal Department of the Office of Regulatory Staff, and that she has caused the Office of Regulatory Staff's Petition to Intervene and Motion to Hold in Abeyance to be served upon the following counsel of record this 15th day of December, 2004 by mailing a copy of the same in the United States Mail, first-class postage prepaid, addressed as follows:

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A handwritten signature in black ink that reads "Rena N. Grant". The signature is written in a cursive style with a large initial 'R' and a long, sweeping tail on the 't'.

Rena N. Grant